

CHAPTER 15:

INDIVIDUAL EDUCATIONAL PROGRAMS (IEPs)

**Juvenile Probation Officer and Caseworker
Self-Instructional Manual**

JUVENILE PROBATION OFFICER AND CASEWORKER SELF-INSTRUCTIONAL MANUAL

CHAPTER 15: INDIVIDUAL EDUCATIONAL PROGRAMS (IEPs)

What is an Individualized Education Program (IEP)?

Federal Law IDEA '97, the Individuals with Disabilities Education Act (IDEA), mandates a Free Appropriate Public Education (FAPE) for all students with disabilities. In Michigan PA 451 mandates a FAPE, which is designed to meet the maximum potential for all children with special education needs, from birth through age 25.

The IEP is the specific vehicle for a disabled child's education. You must always keep in mind that parents know their child better than anyone. The parents' input during the IEP process is essential and invaluable.

State and federal laws require that a written Individualized Education Program (IEP) be developed, and reviewed at least annually, to meet a child's unique special education needs.

The IEP is developed at a special meeting, which includes the parents' and the participation of:

- The child's teacher and another representative from the school who is qualified to provide or supervise the child's special education program, and knows the general education curriculum;
- The child, where appropriate;
- A member of the multidisciplinary evaluation team (MET), who is knowledgeable about the procedures and results of the evaluation; and
- Other persons, of the school's or the parents choosing, who have knowledge or special expertise regarding the child. This could be a friend, spouse, an advocate, etc.



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What is in the IEP?

The IEP is the written Individualized Education Program. This plan will guide the child's education for the year. Important parts of the IEP are as follows:

- A. Tells what the child can do at this time or she/he's "present level of educational performance".
- B. Tells how the child's disability affects the child's involvement and progress in the general curriculum.
- C. Eligibility: Tells the child's label (the child's special education label of impairment).
- D. List of the annual goals and short-term objectives. This part tells both the goals to be reached in one year and the steps to reach these goals. They are listed for all areas of need: academic, behavioral, self-help, independent living, vocational, language and communication, social, and interpersonal.
- E. All special education related services and supplementary aids and services are listed. All program modifications or supports for school personnel that will be provided for the child and who will give these services are also listed. A statement of the needed related services, i.e., speech therapy, occupational therapy, physical therapy, assistive technology and services, transportation etc. must include the type of services, to be provided such as consultation, direct one-to-one, small group, etc. The IEP must address any behavior of a student who has behavior that impedes the student's learning, or the learning of others, regardless of the student's label.
- F. All time lines are listed. Time when service begins, length of time for actual service, time and duration of services.



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What Is in the IEP? *continued*

- G.** Least restrictive environment – written rationale for placement outside general education must be included.
- H.** A statement of transition needs beginning no later than age 14 (consider course of study).
- I.** A statement of the needed transition services for students beginning no later than age 16 and annually, thereafter, (and, when determined appropriate for the individual, beginning at age 14 or younger) including, when appropriate, a statement of the interagency responsibilities or linkages (or both) before the student leaves the school setting. In the case where a participating agency, other than educational agency, fails to provide agreed upon services, the educational agency shall reconvene the IEP team to identify alternative strategies to meet the transition objectives.
- J.** Under IDEA, a state shall ensure: “A free appropriate public education is available to all children with disabilities residing in the State between the ages of three and 21, inclusive, including children with disabilities who have been suspended or expelled from school.” 20 USC 1412 (a)(1)(A). Michigan law expands FAPE to include age birth through age 25.



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WHAT ARE ANNUAL GOALS AND SHORT-TERM INSTRUCTIONAL OBJECTIVES?

Annual Goal

Is a general statement of desired change and progress to work towards throughout the year. The number of annual goals is determined by the student's needs. Annual goals must be written in measurable terms.

***Example:* ANNUAL GOAL**

Erika will add and subtract three digit numbers requiring regrouping with at least 90 percent accuracy on timed informal tests by the end of this school year. (With nine out of ten correct).

Short Term Objective

Is a specific statement regarding changes and progress to be achieved during the next two to three months. This is to include: the material, methods, frequency, length of service, objectives, staff, and criteria for evaluation.



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HOW IS THE IEP USED TO HELP A CHILD?

The IEP is designed to meet the child's needs. Any supplementary aids and services (taped books, Braille materials, tape recorder, typewriter, computer, teacher assistant, or changes in seating, grading, testing, pace of instruction, reduced assignments, scheduling, reading or math requirements, etc.) which are necessary for the child to participate in a regular education program must be described in writing in the child's IEP. The IEP is a road map that is used to guide the child's teacher in helping the child achieve their educational goals.

Important Points to Remember

- Appropriate related/supportive services must be provided to meet the child's needs as indicated in the IEP.
- The IEP team must consider assistive technology needs.
- The child should receive appropriate nonacademic and extracurricular services.
- For example:
 - Adaptive physical education (if unable to participate in regular physical education),
 - Music, art, home economics,
 - Other nonacademic subjects that other children in the school are receiving,
 - Recreational opportunities that other children in the school are receiving.
- If the child needs an extended school-year program, the program must be written into the IEP before the child can participate.
- The child should receive services in the least restrictive environment: Children with special education needs should receive services in the least restrictive environment—that is, as much as possible with children who do not have disabilities and where he/she can learn best. IDEA '97 has the presumption that all students will be in general education unless the student's needs dictate another placement.



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Section 504

Section 504 has been called “The First Federal Civil Rights Law Protecting the Rights of Persons with Disabilities”. It provides that “No qualified person with a disability shall, solely by reason of his disability, be excluded from the participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance”.

Section 504 is part of the Rehabilitation Acts of 1973 (PL 93-112) and became law that year. At the time, Section 504 specifically applied only to discrimination in employment. In 1974, the Rehabilitation Acts Amendments of 1974 (PL 93-516) extended coverage to all areas of civil rights including: education, employment, health, welfare, and other social service programs.

Section 504 rules and regulations went into effect in 1977. Section 504 applies to all recipients of Health, Education, and Welfare (HEW) funds, including: states, counties, cities, towns, villages, and their political subdivisions; instrumentalities of states and their political subdivisions; public and private institutions; other health service providers; public and private colleges; public and private agencies; other organizations and entities receiving HEW funds.

Under Section 504, all recipients of Department Of Education (DOE) funds which operate public elementary and secondary education programs must provide a “Free Appropriate Public Education” (FAPE) to each qualified person with a disability who is in the recipients jurisdiction, regardless of the nature or severity of the person’s disability.



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104.1 Purpose of Section 504

The purpose of Section 504 of the Rehabilitation Act of 1973, is to eliminate discrimination on the basis of a disability in any program or activity that receives federal financial assistance. (34 CFR 104).

104.4 Discrimination Prohibited

The Commission of Civil Rights has defined this differently than other types of discrimination in that to treat persons with a disability “as if they weren’t disabled” such as in “color blindness to Race” would in practice be discriminatory in many situations. An example of this would be a wheelchair user unable to get into a building without some special consideration. To treat a person exactly the “same” is to exclude them from participation in the program or activity inside the building.

A recipient may not:

- (a) Deny the opportunity to participate in or benefit from an aid, benefit, or service.
- (b) Afford an aid, benefit, or service that is not equal to that afforded others.
- (c) Provide a less effective aid, benefit, or service.
- (d) Provide a different or separate aid, benefit, or service, unless such action is necessary to provide one that is as effective as those provided to others.
- (e) Otherwise, limit the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others. A school must afford equal opportunity, but it does not have to be identical. Equal opportunity must be provided in the most integrated setting that is possible, and must allow the opportunity to participate in programs and activities, which are not different. See Appendix B; Section 504 Regulations for a complete listing of discriminations prohibited. (34 CFR 104).



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The Goal of Full Participation

Persons with a disability have a basic human right of full participation in life and society. Congress declared that it is of critical importance to this nation that equality of opportunity, equal access to all aspects of society, and equal rights guaranteed by the constitution of the United States be provided to all individuals with disabilities. Congress also declared that it is essential that the complete integration of all individuals with disabilities into normal community living, working, and service patterns be held as the final objective. (29 USC 701 note, 1976).

Basic Requirements

Per Section 504 regulations, no qualified person with a disability shall be excluded from participation in, be denied the benefits of, or otherwise be subject to discrimination under any program or activity because a recipient's facilities are inaccessible. With respect to public elementary or secondary education, programs must provide a Free Appropriate Public Education (FAPE) regardless of the nature or severity of a person's disability. This is construed to mean that the following will be provided:

- (a) Educational services designed to meet the individual educational needs of the person with a disability as adequately as nondisabled persons needs are met.
- (b) The person with a disability will be educated with their nondisabled peers to the maximum extent possible appropriate to the needs of the person with a disability. Evaluation and placement procedures, which are nondiscriminatory, are established and utilized.
- (c) A periodic review is conducted.
- (d) Due process procedures are established so that the parents can review evaluation and placement decisions which affect their child.



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104.33 Free Appropriate Public Education (FAPE)

“Appropriate” education is the provision of regular or special education and related aids and services that are designed to meet individual education needs of persons with a disability as adequately as the needs of nondisabled persons are met and are based upon adherence to procedures that satisfy the requirements of 104.34, 104.35, and 104.36.

This may be done by implementing an IEP (special education), which meets the requirements above, by the recipient themselves, or placing the person with a disability in a program not operated by the recipient. In any case, the recipient is required to meet the requirements in the regulations. Services, regardless of which procedure they wish to use to satisfy the requirements, must be provided at no cost to the person with a disability. See Appendix D—20 IDELR 134; Free Appropriate Public Education requirements of Section 504 for elementary and secondary education do not include a “reasonable accommodation” limit.



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IEP Brochure (A guide the probation officer can use to help parents.)

There are many agencies and parent organizations available to help you. The following is a list of state organizations, some of which will refer you to their local chapter. For more information on state, local, and community services, or to ask a specific question, please call or write:

Citizens Alliance to Uphold Special Education (CAUSE)

6412 Centurion Drive, Suite 130

Lansing, MI 48917

In Lansing (517) 886-9167; *Outside Lansing* 1-800-221-9105 Voice

FAX: (517) 886-9366

Website Address: www.causeonline.org; *E-mail:* info@causeonline.org

Including:

City of Detroit Northwest Activities Center 18100 Meyers Rd, Ste 305-307 Detroit, MI 48235 (313) 863-0813 (800) 298-4424 (Outside Detroit) Fax: (313) 863-8048	Central & Northern MI (989) 348-1628 (888) 41-CAUSE (2-2873) (Outside Gaylord) Fax: (989) 348-1279	Sault Ste. Marie, MI (UP) (906) 635-9573 (800) 53-CAUSE (2-2873) (Outside Sault Ste. Marie) Fax: (906) 635-3017
Oakland/Macomb (866) 453-5299	Grand Rapids MI (616) 455-8719 (800) 715-5820 Fax: (517) 455-9872	Munising, MI (UP) (906) 387-2932 (800) 628-5603 (Outside Munising) Fax: (906) 387-2948

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Resource Materials for Parents of Children with Disabilities

1. **Michigan Revised Administrative Rules for Special Education**
(effective 6-6-2002)

A copy can be obtained from your local intermediate school district or by contacting Center for Educational Networking (CEN) by phone (517) 908-3900, (888) 463-7656 or by mail: CEN, 6412 Centurion Dr., Suite 130, Lansing, Michigan 48917. The rules can also be found on the CEN website www.cenmi.org.

2. **Special Education - An Advocate's Manual**

This publication can be obtained by Michigan Protection and Advocacy Service phone number, 1-800-288-5923 or by written request to: MPAS, 4095 Legacy Pkwy., Suite 500, Lansing, Michigan 48911. (There is a charge for this publication.)

3. Your local intermediate school district staff persons, local education agency, school staff, parent advisory committee, and your local board of education are also excellent resources.
4. Parent Organizations and Other Groups. See the listing on the following slides.



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Parent Organizations and Other Groups

Michigan Department of Education

(517) 373-3324

Web site: www.michigan.gov/mde

Email: MDEweb@michigan.gov

Office of Special Education/Early Intervention Services (OSE/EIS)

(517) 373-0923 (517) 373-9434 (TTY)

(888) 320-8384 (Specific Disability Info)

Fax: (517) 373-7504

Web site: www.michigan.gov/mde/0,1607,7-140-6530_6598---,00.html

Center for Education Networking (CEN)

(888) 463-7656 (517) 908-3900

Fax: (517) 908-0703

Website: www.cenmi.org

Email: info@cenmi.org

Michigan's Integrated Technology Supports (MITS)

(800) 274-7426 (989) 224-0246

(TTY) (989) 224-0333

Fax: (989) 224-0330

Web site: www.cenmi.org/mits/

Email: matr@edzone.net

Michigan Special Education Mediation Program (MSEMP)

(800) 8RESOLVE or (800) 873-7658 (517) 485-2274

Fax: (517) 485-1183

Web site: www.cenmi.org/msemp/

Email: msemp@tds.net

Positive Behavior Support for Young Children (PBSYC)

(800) 593-9146 x 9 (517) 321-6101 x 9

Fax: (517) 541-1351

Web site: <http://www1.cenmi.org/pbsyc>

Statewide Autism Resources and Training (START)

(616) 331-6480 FAX (616) 331-6486

Web site: <http://www.gvsu.edu/autismcenter/>

Email: autismed@gvsu.edu

Michigan Integrated Behavior Learning Support Initiative (MiBLSi)

Web site: www.cenmi.org/MIBLSi/



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Parent Organizations and Other Groups *continued*

Macomb ISD:

(586) 228-3330

Fax: (586) 263-6240

Web site: www.misd.net

Email: kschallmo@misd.net

Ottawa ISD:

(877) 702-8600

Fax: (616) 738-8946

Web site: www.oaisd.org

Email: sgoodman@oaisd.org

Kalamazoo ISD:

(269) 385-1581

Fax: (269) 381-3523

Web site: www.kresa.org

Email: mmcglinc@kresanet.org

**Developmental Disabilities Institute (DDI) -
Wayne State**

(888) 978-4334 (313) 577-2654 (V/TTY)

Web site: ddi.wayne.edu

Email: B_Le_Roy@wayne.edu

**Office of Early Childhood Education and Family
Services**

(517) 373-8483 ■ Fax: (517) 335-0592

Web site: www.mich.gov/mde/0,1607,7-140-5234_6809---,00.html

Public Awareness:

Early On® Michigan (birth to 3)

1-800-EARLY ON ■ 1-800- 327-5966

(517) 668-2505 (TTY)

Fax: (517) 668-0446

Web site: www.1800earlyon.org

Project Find Michigan (birth to 26)

(800) 252-0052 ■ Fax: (517) 668-0446

(517) 668-2505 (TTY)

Web site: www.projectfindmichigan.org

***Early On® Training and Technical Assistance
(EOT&TA)***

(866) 334-5437 ■ (517) 668-0185

Fax: (517) 668-0446

Web site: eotta.ccrea.org

Michigan Department of Community Health

(517) 373-3740 (517) 373-3573 (TDD)

Web site: www.michigan.gov/mdch

Michigan Developmental Disabilities Council

(517) 334-6123 (517) 334-7354 (TDD)

Fax: (517) 334-7853

Web site: [www.michigan.gov/](http://www.michigan.gov/mdch/0,1607,7-132-2941_4868_4897-14614--,00.html)

[mdch/0,1607,7-132-2941_4868_4897-14614--,00.html](http://www.michigan.gov/mdch/0,1607,7-132-2941_4868_4897-14614--,00.html)



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Parent Organizations and Other Groups *continued*

Child Care Expulsion Prevention Programs

(248) 594-3250

Web site: www.michigan.gov/mdch/0,1607,7-132-2941_4868_7145-14785--,00.html

Email: mackrain@aol.com

Guide By Your Side/Early Hearing Detection & Intervention (EHDI)

(517)335-8955 (517) 335-8273 Videophone

Fax: (517) 335-8036

Web site: www.michigan.gov/ehdi

National Dissemination Center for Children with Disabilities (NICHCY)

(800) 695-0285 (V/TTY) (English & Spanish)

Fax: (202) 884-8441

Web site: www.nichcy.org

Email: nichcy@aed.org

Parent Advocacy Coalition for Educational Rights (PACER)

(952) 838-9000 (V) (952) 838-0190 (TTY)

Fax: (952) 838-0199

Web site: www.pacer.org

Email: pacer@pacer.org

U.S. Dept. of Education and Office of Special Education

and Rehabilitation Services (OSERS)

(202) 245-7468

Web site: www.ed.gov/about/offices/list/osers/index.html

The Arc Michigan

Dohn Hoyle, Executive Director

(800) 292-7851 (517) 487-5426

Fax: (517) 487-0303

Web site: www.arcmi.org

Email: dhoyle@arcmi.org

Michigan Alliance for Families

Sherri Boyd, Project Director

(800) 292-7851 (517) 487-5426 x 105

Web site: michiganallianceforfamilies.org

Email: sherri@arcmi.org

Information, Support & Referral

(800) 552-4821 (734) 994-8100 x 1590

Email: kmoler@arcmi.org or

info@michiganallianceforfamilies.org



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Parent Organizations and Other Groups *continued*

Education & Leadership

(800) 292-7851 (517) 487-5426 x 128

Email: sandee.k@arcmi.org

Email: kelly.o@arcmi.org

Michigan Partners for Freedom

(800) 292-7851 x 105

Web site: www.mifreedom.org

Email: sherri@arcmi.org

**Work Incentives Planning and Assistance
(WIPA)**

(800) 292-7851 x 130

Web site: www.arcmi.org/new/wipa.htm

Email: tony@arcmi.org

Autism Society of Michigan

(800) 223-6722 (517) 882-2800

Fax: (517) 882-2816

Web site: www.autism-mi.org

Email: autism@autism-mi.org

**Association for Children's Mental Health
(ACMH)**

Parent Line: (888) ACMH-KID or

(888) 226-4543 (517) 372-4016

Web site: www.acmh-mi.org

Email: acmhadmin@sbcglobal.net

Michigan Disability Rights Coalition (MDRC)

(800) 760-4600 (517) 333-2477

Fax: (517) 333-2677

Web site: www.copower.org/mdrc/MDRC.htm

Email: mdrc@prosynergy.org

Epilepsy Foundation of Michigan

(800) 377-6226 (248) 351-7979

Web site: www.epilepsymichigan.org

Email: letters@epilepsymichigan.org

Michigan Protection and Advocacy (MP&A)

(800) 288-5923 (V/TTY) (517) 487-1755

Livonia: (800) 414-3956 (248) 473-2990

Fax: (517) 487-0827

Web site: www.mpas.org

Email: molson@mpas.org

Learning Disabilities Association (LDA)

(888) 597-7809 (517) 485-8160

Web site: www.ldaofmichigan.org

Email: info@ldaofmichigan.org

UCP – Michigan

(800) 828-2714 (517) 203-1200 (V/TTY)

Fax: (517) 203-1203

Web site: www.ucpmichigan.org

Email: ucp@ucpmichigan.org



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Parent Organizations and Other Groups *continued*

UCP–Metro Detroit

(800) 827-4843 (248) 557-5070

Fax: (248) 557-0224

Web site: www.ucpdetroit.org

Email: main@ucpdetroit.org

Citizens Alliance to Uphold Special Education (CAUSE)

(800) 221-9105 (888) 814-4013 (TTY)

Fax: (517) 886-9366

Web site: www.causeonline.org

Email: info@causeonline.org

Michigan Hands & Voices

Phone: (517) 335-8273 (VP)

(800) 968-7327 (TTY)(TDD)

Fax: (517) 335-8036

Web site: www.mihandsandvoices.org

Email: info@mihandsandvoices.org

**Michigan Department of Community Health
Children's Special Health Care**

Web site: www.michigan.gov/cshcs/

E-mail: cshsfc@michigan.gov

Family Support Network

Family Phone Line: (800) 359-3722

Center for Youth and Children with Special Health Care Needs

http://www.michigan.gov/mdch/0,1607,7-132-2942_491_1_35698-56603--,00.html

Family-to-Family Health Information and Education Center

Family Phone Line: (800) 359-3722

Web Site: bridges4kids.org/f2f/

Michigan Community Coordinated Child Care (4C)

(866) 424-4532 (866) 4CHILDCARE

Cell phone callers: (800) 950-4171

Fax: (517) 352-0257

Web site: www.mi4c.org

Email: mi4C@mi4c.org

Brain Injury Association

(810) 229-5880

(800) 772-4323 (Michigan)

Fax: (810) 229-8947

Web site: www.biarni.org Email: info@biarni.org



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Parent Organizations and Other Groups *continued*

Bridges4Kids

(877) 553-5437 (877) 553-KIDS

Web site: www.bridges4kids.org

Email: info@bridges4kids.org

PAVE/STOMP

(Military families; U.S. military installations; a resource for parent centers and others)

6316 South 12th St., Suite B Tacoma, WA 98465-1900

(800) 572-7368

(800) 5-PARENT (V/TTY)

(253) 565-2266 (V/TTY)

Fax: (253) 566-8052

Web site: www.stompproject.org

Email: stomp@washingtonpave.com

National Indian Parent Information Center

(Nationwide resource for Native American families, tribes, communities, parent centers, and others)

560-A NE 'F' Street, PMB 418,

Grants Pass, OR 97526

(877) 205-7501 Fax: (541) 472-9611

Website: <http://www.nipic.org>

Email: indian.info@nipic.org



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What if I disagree with the school?

If you disagree with the school, try to resolve the problem at the lowest level and in the most informal way possible.

What are Informal Ways to Resolve Problems?

1. Identify the problem.
2. Identify the person closest to the problem and try to resolve the problem with them. (i.e., classroom problem—talk with the teacher before going to someone higher up). If this does not work, keep going one step higher in the school until the problem is resolved.
3. While discussing the problem, try to stick to the issue, and do not make accusations or threats.
4. Let the person know how you feel about the problem and have a suggestion ready on how it can be worked out.
5. If no solution can be reached, consider due process procedures, if appropriate.

What is Due Process?

Due process is a series of safeguards which help assure that students with disabilities are provided a free appropriate public education (FAPE) designed to develop their maximum potential.



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WHAT FORMAL METHODS ARE THERE TO SETTLE PROBLEMS WITH THE SCHOOL?

- 1. Complaint:** (as defined in Part 1 of the Michigan Revised Administrative Rules for Special Education R340.1701a (c). A claim of a violation of state or federal law or rule regarding special education, the state application for federal funds under the Individuals with Disabilities Education Act (IDEA) or Intermediate School District (ISD) special education plan, an Individualized Educational Plan (IEP), hearing officer decision or court decision.
 - a. Who can start it? Any person or organization.
 - b. Is there a deadline to start it? Yes. The complaint must allege a violation that occurred not more than one year prior to the date that the complaint is received, unless a longer period is reasonable because the violation is continuing, or the complainant is requesting compensatory services for a violation that occurred not more than three years prior to the date the complaint is received.
 - c. How do you start the process? Send a letter to your intermediate school district (ISD) stating the facts as you understand them and the law, rule, or plan provision which you believe was violated.
 - d. Do you get a hearing? No, but you will be contacted by the investigator to obtain information and your views.
 - e. Can you appeal the decision? Yes, if the ISD does not correctly handle the complaint procedurally (such as not acting on it within 21 calendar days), or you disagree with a decision of the ISD that the complaint is invalid, you may file a written appeal with the State Department of Education.
 - f. Other comments: You can request the Michigan Department of Education to investigate your complaint. R 340.1852. Other informal complaint procedures are available, under the Americans with Disabilities Act (ADA), The Family Education Rights and Privacy Act (FERPA), and with regard to alleged violations of Section 504 of the rehabilitation Act of 1973, which can be filed with the Office of Civil Rights.



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WHAT FORMAL METHODS ARE THERE TO SETTLE PROBLEMS WITH THE SCHOOL?

2. Due Process Hearing: A process to resolve disagreement with an item in an IEP or any district proposal or refusal to initiate or change the identification, evaluation, placement, or free appropriate public education (FAPE) of a student with a disability whether or not an IEP was held.

- a. Who can start it? The parent or guardian of the student, unless he/she is 18 and has no guardian; then the student must do it.
- b. How do you start the process? Provide written notice (which shall remain confidential) to the district that you object to the IEP (or its action or inaction on any matter relating to the identification, evaluation, educational placement of the child, or the provision of a free appropriate public education [FAPE] to the child). The notice must include:
 1. The name and address of the child and the name of the school the child attends;
 2. A description of the nature of the problem including facts relating to such problem; and
 3. A proposed resolution of the problem to the extent known and available to you at the time.
- c. Do you get a hearing? Yes, before a mutually agreed-upon local hearing officer, if you have an arguable dispute regarding the identification, evaluation, placement or FAPE of a student with a disability. Only the hearing officer can deny you a hearing.
- d. Can you appeal the decision? Yes, to a state level hearing officer by directing a letter to the Michigan Department of Education within 25 calendar days from receipt of the decision of the local hearing officer.



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3. Expedited Due Process Hearing: Available to resolve some issues which relate to disciplinary action. Parties must mutually agree on a hearing officer (HO) within five business days or Michigan Department of Education (MDE) will appoint a HO; hearings must be completed within 45 days.

4. Other Methods:

- a. Mediation—A parent or public agency may request a mediation process. If either party is not satisfied with the results of the mediation, the case will proceed to hearing.
- b. Court Suits—Within 60 days from the date of the state hearing officer's decision, a legal complaint may be filed if there is disagreement with an item on the IEP, identification, evaluation, placement, or free and appropriate public education (FAPE).



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What are Related Services for Students with Disabilities?

Related services are services specially designed to meet the unique needs of a student with a disability. These are services which the person needs in order to benefit from a special education program.

How do I get Related Services for My Child?

The need for related services is determined by an appropriate evaluation of the child's needs. If you feel your child is in need of a specific related service, you should request an evaluation in that specific area. When requesting related services, you should base your request on the premise that your child needs a given service in order to benefit

from his/her educational program. If a related service is provided in a regular education setting, it is called a supplementary aid or service.

The Individual Education Program (IEP) should state each needed related service, the date of the initiation of the service, and the duration of the service. It should also state how many times per week, how many minutes the service will be rendered, and by whom. The IEP should also state whether the service will be provided on a one-on-one basis or in a group.

Examples:

- Physical therapy for 20 minutes daily on a one-on-one basis with the physical therapist.
- Speech therapy for 30 minutes daily in a group of three children with the speech therapist.
- Occupational therapy on a consultation basis with the teacher ten minutes per week.



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Related services may include:

1. Assistive Technology Devices and Services
2. Audiology
3. Counseling Services
4. Early Identification
5. Medical Services for Diagnostic or Evaluation Purposes
6. Mobility/Travel Training
7. Mobility Training for Visually Impaired
8. Music Therapy
9. Occupational Therapy
10. Parent Counseling and Training
11. Physical Therapy
12. Psychiatric Services
13. Psychological Services
14. Recreation
15. Rehabilitation Counseling
16. School Health Services
17. Social Work Services in Schools
18. Speech Services
19. Teacher Consultant Services
20. Transition Services
21. Transportation Services



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“Student with a Disability” means a person who is determined by an individualized education program team or a hearing officer to have one or more of the impairments specified in Michigan Revised Administrative Rules for Special Education that necessitates special education or related services, or both, who is not more than 25 years of age as of September 1st of the school year of enrollment, who has not completed a normal course of study, and who has not graduated from high school. A student who reaches the age of 26 years after September 1st is a “student with a disability” and entitled to continue a special education program or service until the end of that school year.

When IDEA was passed in 1990, it included new requirements. Some of these are new services and include the following:

1. **“Transition Services”** means a coordinated set of activities for a student, designed within an outcome-oriented process which promotes movement from school to postschool activities, including postsecondary education, vocational training, integrated employment (including supported employment), continuing and adult education, adult services, independent living, or community participation. The coordinated set of activities shall be based upon the individual student’s needs, taking into account the student’s preferences and interests, and shall include instruction, community experiences, the development of employment, and other postschool adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation.



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2. **“Assistive Technology Device”** means any item, piece of equipment, or product system, whether acquired commercially off the shelf, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.
3. **“Assistive Technology Service”** means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes:
- a. The evaluation of the need of an individual with a disability, including a functional evaluation of the individual in the individual’s customary environment;
 - b. Purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;
 - c. Selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing of assistive technology devices;
 - d. Coordinating and using other therapies, interventions, or services with assistive technology devices, such as those associated with existing education and rehabilitation plans and programs;
 - e. Training or technical assistance for an individual with disabilities, or, where appropriate, the family of an individual with disabilities; and
 - f. Training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

Note: *These terms have created new related services.*



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Children Experiencing Developmental Delay

Under the amendments of IDEA in 1997, a category of “Children Experiencing Developmental Delay” was added. Michigan already served these students under a “preprimary impaired” category. Additionally, the definition of “Other Health Impairments” (OHI) adds “attention deficit disorder” (ADD) and “attention deficit hyperactive disorder” (ADHD) to the list of conditions that could render a child eligible under OHI. A student with ADD or ADHD may also be found eligible under the “Specific Learning Disability or “Emotional Impairment” categories, or Section 504 of the Rehabilitation Act of 1973.

Under Michigan Revised Administrative Rules for Special Education as amended in April, 2009, the disability categories are as follows: Cognitive Impairment, Emotional Impairment, Hearing Impairment, Visual Impairment, Physical Impairment, Other Health Impairment, Speech and Language Impairment, Early Childhood Developmental Delay, Specific Learning Disability, Severe Multiple Impairment, Autism, Traumatic Brain Injury.



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How Can I Participate Effectively in My Child's Individualized Educational Program Team (IEPT) Meeting?

As the parent of a child with special education needs, you should learn how to use the Individualized Education Program (IEP) process as an effective tool to obtain appropriate special education and related services for your child.

What is My Role in the IEP meeting?

1. Help the members of the IEP team get an accurate picture of your child's strengths and weaknesses and behavior at home.
2. Report your concerns for enhancing your child's education.
3. Report information you feel has been overlooked.
4. If you do not understand something, ask for an explanation.
5. Avoid deciding what educational program you feel is best for your child until you have heard all the possible options.
6. You may sign the IEP in agreement or disagreement. Take it home and review written copy of the IEP and sign within timeline. (See IEP Rights below).



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How Can I Prepare for the IEP Meeting?

You may want to prepare for the IEP meeting in the following ways:

1. Ask the school to send all written reports to be presented so you will receive them at least two days before the meeting. Review your child's school records and decide if you should share any materials, prior to the meeting, such as:
 - a. Your child's report card;
 - b. Recent examples of school work;
 - c. Medical reports and evaluations;
 - d. Information from other agencies or professionals; and
 - e. Your child's current IEP (If your child has an IEP, review the instructional goals, objectives, and progress made in these areas.)



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2. Here is a list of things you may want to write down and bring with you to the IEP meeting:
 - a. Write down any questions you may wish to ask.
 - b. Things you see your child can or cannot do.
 - c. Any information from professional, school staff, or others who have seen or evaluated your child.
 - d. What your child needs to learn to make his/her life and your family's life better.
 - e. Any skill you want your child to learn.
 - f. Your personal understanding of your child and his/her needs. No one knows a child better than his/her parents.
 - g. Any medical or safety needs of your child.
 - h. When, and how, you will receive information from school and how you will communicate with them.



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What are My IEP Rights?

You have the right to:

1. Be notified before the IEP meeting and to have the purpose of the meeting explained to you;
2. Be invited to the meeting and to be involved in any decision made concerning your child;
3. Have the IEP meeting scheduled at a mutually agreeable time and place;
4. Invite your spouse, a friend, an advocate, or any other individual who also has knowledge or special expertise regarding your child, to accompany you to the meeting;
5. Have your child attend the meeting. (At age 18, every child becomes a legal adult unless they have a legal guardian.);
6. Participate in the development of your child's IEP;
7. Receive a copy of the IEP;
8. Receive parent counseling and training, if needed, to help you to acquire the necessary skills that will allow you to support the implementation of your child's IEP or Individual Services Plan. If you need parent counseling and training, it must be written in the IEP;
9. You may sign in agreement or disagreement with the IEP; and
10. An IEP meeting can be called by the school or the parents at any time.



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What Do I Do Between IEP Meetings?

1. You should communicate with the teacher and receive progress reports on the IEP from the school at least as often as general education students receive report cards. The progress report will inform you of your child's progress toward the annual goals and the extent to which progress is sufficient to enable your child to achieve the goals by the end of the school year;
2. Visit your child's program;
3. Be sure to tell the teacher and your child when you see progress being made;
4. Ask the teacher how you can be of help; and
5. Let the school know if your child's needs change. If the change is major, you may need to call a new IEP meeting.

